

**WILLIAMSBURG CITY COUNCIL  
MAY 12, 2005  
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, May 12, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Weiler, Yost, and Assistant City Manager Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

Mr. Scruggs clarified his statement made at the April 14 meeting that he is not only available to citizens by telephone and e-mail, but that they could also personally approach him. He thought that Council understood his intent, but he was not sure that it was clear to citizens.

Mr. Freiling asked that his comments to Mr. Shelley following the Open Forum at the April 14 meeting be included in the April minutes.

*Mr. Scruggs Moved Approval of the Minutes of April 11, 2005 and April 14, 2005, with the Insertion Noted by Mr. Freiling to Page 15, Regarding His Comments to Mr. Shelly. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Governor's Proclamation for Bike Month, Presented by Mr. David Buttner**

Mr. Buttner said that he cycled 56 miles from Richmond to Williamsburg to bring the proclamation to town. He read the proclamation proclaiming May 2005 as Bike Month in Virginia and presented it to the Mayor (attached). He presented Council with "Pedal the Parkway" yellow tee-shirts.

Mayor Zeidler thanked Mr. Buttner for the proclamation with appreciation for the work of the bike clubs and cyclist to improve travel by bike and to do it safely. Mr. Buttner said that the annual "Pedal the Parkway" event was very successful.

**Mr. Ryan Scofield, the new Student Assembly President at the College.**

Mayor Zeidler recognized and welcomed Mr. Scofield.

Mr. Scofield, a rising junior and the new Student Assembly President of the College of William and Mary, said that students are excited about the upcoming year. He looked forward to working closely with Council to resolve any issues between the city and students. Students Jet Nelson and James Evans were also present. Mr. Scofield said he will be leaving for home for the summer, but could be reached by e-mail: [rmscof@wm.ed](mailto:rmscof@wm.ed).

Mayor Zeidler thanked Mr. Scofield and said that Council was looking forward to the working relationship with students. She appreciated and was impressed that Mr. Scofield and other students attended the recent Saturday Neighborhood Council meeting.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

## **PUBLIC HEARINGS**

### **Options for Quarterpath Road**

Council members received a copy of the public hearing notice for this item with Mr. Tuttle's report dated April 4, 2005. Mr. Tuttle reviewed the location of the road and the four options for Quarterpath Road presented at last month's work session:

Option #1, No Build, at an estimated cost of \$18,000 for frequent maintenance of the unpaved section for grading and re-gravel application.

Option #2, Pedestrian/Bicycle/Park Use, at an estimated cost of \$70,000, would remove traffic from the center portion of the road between Redoubt #2 and the old landfill, and channel traffic through the "Quarterpath at Williamsburg" spine street.

Option #3(a), Fully Improved Roadway—Shoulder and Ditch Cross Section, at an estimated cost of \$2.5 Million with box culvert crossing of Tutter's Creek or \$3.8 Million if a bridge is constructed over the creek. This option would reconstruct the center section of the road between Redoubt 2 and the old landfill. A 30-foot wide road would have two travel lanes with pedestrian and bicycle facilities; and

Option #3(b) Fully Improved Roadway—Curb and Gutter Section, at an estimated cost of \$3.2 Million with a box culvert crossing of Tutter's Creek or \$4.5 Million for a bridge over the creek. This option would reconstruct the center section between Redoubt #2 and the old landfill. A 30-foot wide road would have two travel lanes with pedestrian and bicycle facilities.

Mr. Tuttle said that any comments received in writing (e-mails) had been provided to Council members.

Mayor Zeidler opened the public hearing.

**Stephanie Smith, representing Active Williamsburg Alliance (a new coalition of Williamsburg residents and organizations),** spoke in full support of the option for a multiuse path for biking, running, and walking, to the benefit of all. This would provide a great opportunity to preserve and protect this historic and environmental area, and it could eventually serve as an artery to a Williamsburg greenway system.

**Douglas Pons, 614 College Terrace, business owner at Quarterpath Road and York Street,** believed that any action today would be premature. Other critical information is needed such as the site plan for the Riverside Development, cost projections, and an action plan for the park. He suggested this issue go back to the Planning Commission to fully vent the issue since it is part of the Comprehensive Plan.

**Alan Turnbull, 109 Woodmere,** thought that this would be a good first start to an interconnected greenway. Starting in New Quarter Park, for instance, young and old alike might bike into downtown Williamsburg. This activity would help their health, help the environment, and help their pocket books. Option 2 will make this happen and it would not preclude other options for improvement of the corridor in the future. This is a wonderful setting and is a wonderful opportunity.

No one else wished to speak.  
The public hearing was closed.

Mayor Zeidler said that last month, the City Manager recommended that Council direct staff to prepare a Resolution endorsing Option 2 for Council's consideration at the June meeting.

Mr. Haulman favored Option 2 because it does not preclude future changes to the road, but does preserve the road and makes it more useable for current activities. He wanted to make his preference known.

Mr. Chohany concurred with Mr. Pons' comments and thought there were too many unknowns at this time, including the details of the Riverside project, and he was reluctant to make a decision regarding an option at this time.

Mr. Scruggs thanked the Alliance and the Civil War buffs for their comments. He favored good pedestrian and bike access to this area, and could not support any scenario that would degrade the civil war redoubts. The road has been available to citizens and visitors for more than 300 years, and he strongly agreed with Mr. Pons that this needs to go through the planning process so that the city could hear from property owners adjacent to the road. He addressed Comprehensive Plan designation and what might happen with the other developable properties on Quarterpath Road. He did not favor doing a resolution at this time and would prefer that the Planning Commission review this as part of the Comprehensive Plan process.

Mr. Freiling was of the opinion that since the current Comprehensive Plan was under review at this time, any action by resolution would usurp the role of the Planning Commission in this important planning process. Council should work with the Planning Commission in the development of the revised Comp Plan and state its collective goal for Quarterpath Road in the document. From a land use and traffic management standpoint, the correct answer is to improve the road with two way traffic, however, from the historic

preservation standpoint with sensitivity to the historic integrity of the site, the answer is not to widen the road and further compromise the redoubts. He suggested that Council take a little more time to try to mesh the two in a compromise approach and he would not support a resolution at this time.

Mr. Tuttle explained that with the development of Quarterpath Road, he thought it would be wise to address the center section of the road. City funds are not available to develop the center portion of the road and certain proffers were offered by the Riverside developers. He felt it was important to set a statement of intent for the road, and if the intention is to pave the road, then perhaps the city failed with regard to the proffers. If the intent of the road is to be used for recreational purposes, we have not failed. He thought it was important that the options for the road come forward concurrent with the proposed rezoning and proffers.

Mayor Zeidler said this is not different from past Council actions in that a project differs from what is in the Comprehensive Plan. The Comprehensive Plan anticipates improvement of the road and the Quarterpath at Williamsburg Master Plan leads one to think about the future of the road. Option 2 looks like a good option. She was concerned about degradation of the historic features and natural beauty in the area, but had no problem with sending this item to the Planning Commission and deferring a decision.

Mr. Haulman asked Mr. Phillips about the authority of a resolution. Mr. Phillips said the road can be left as is without any action by Council. To improve the road and acquire additional properties through eminent domain would require other action. To further reduce the use of the existing road, a public hearing would be required for the specific proposal and after public input, Council could act accordingly. A resolution would have no effect as to the further use and configuration of the street.

Mr. Haulman clarified that a resolution is a statement of what Council sees as a preferable option and its vision for the road. It would not preclude alternatives in the future. The Planning Commission could still review this as part of the Comprehensive Planning process and bring their recommendation to Council.

*Mr. Haulman Moved That City Council Direct Staff to Prepare a Resolution Endorsing Option #2 for City Council's Consideration at the June 2005 Council Meeting. The Motion Was Seconded by Ms. Zeidler.*

Mayor Zeidler supported Option 2 because it does not preclude doing Option 3 or 4 at some future time. Option 2 would make certain improvements to the road to resolve current and future safety issues on the road, and Option 2 does not require a large financial commitment.

Mr. Scruggs felt that a Council resolution has great weight and he felt many variables were on the table at this time. If Council passed a resolution for Option 2, he felt it would happen and Council could not change it. He was also aware of the danger and safety situations on the road.

Mr. Freiling was of the opinion that a resolution would publicly state Council's intent to the Planning Commission. He felt it was important for Council to keep an open mind to the Planning Commission recommendations. Unless there is some important reason to make a choice today, he would encourage patience on Council's part.

*Recorded Vote on the Option:*  
*Aye: Zeidler, Haulman*  
*No: Freiling, Scruggs, Chohany*

*The motion failed.*

**PCR #05-009: Request of W-JCC Public Schools for a Special Use Permit for Classroom Trailers at Berkeley Middle School.**

Reference for this item was Mr. Nester's report dated May 12, 2005. Mr. Nester reviewed a location map for the school. The Williamsburg-James City County School System is requesting a special use permit (SUP) to place a second double-wide classroom trailer at Berkeley Middle School and to extend the time limit on the first trailer until July 1, 2009. The trailers are necessary to accommodate existing and projected growth in student enrollment at the school. The property is zoned Single Family Dwelling District RD-2 and allows public or private elementary, middle and high school, colleges and universities with a special use permit. The Planning Commission recommended that the SUP be approved subject to two conditions.

Mr. Freiling asked that Council be provided with the information provided to the Planning Commission from the Schools regarding a comprehensive plan for future trailers.

Mayor Zeidler opened the public hearing.

**Mr. Ed Qualtrow, Superintendent of Maintenance for Williamsburg-James City County Schools**, said that he is the person that will oversee the installation of the trailers and that he would be happy to answer any questions.

No one else wished to comment. The hearing was closed.

Council members discussed the requirements and impact of additional trailers, the growth in student enrollment, overcrowding, and the overburdening the school system. Sometimes the trailers are the preferred option until more facilities are able to be built. The Mayor noted that sometimes the trailers are a good option and an interim measure because there is not enough population to justify building another school.

*Mr. Scruggs Moved That City Council Approve the Special Use Permit Subject to the Two Conditions Recommended by Planning Commission:*

*1. That a Special use Permit be Approved to Allow a Second Double-Wide Classroom Trailer (two classrooms) at Berkeley School for a Four-Year Period Beginning July 1, 2005 and Expiring on July 1, 2009, in Accordance with the Site Plan Dated 3/7/05 and Prepared By AES Consulting Engineers; and*

*2. That A Special Use Permit be Approved to Extend the Time Limit for the First Double-Wide Classroom Trailer (PCR #04-006) to July 1, 2009.*

*The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*  
*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*  
*No: None*

**Applications for Certificate of Public Convenience and Necessity**

**(a) C.T.V. Express Shuttle, LLC and (b) Hamed K. Juma (continued from April 14 Mtg)**

Mr. Tuttle reviewed these requests which were continued from the April 14 meeting. He reported that the partnership for the former Colonial Cab Company has been ordered dissolved by the Court. The partners have been advised that they cannot continue to operate under the old certificates. He recommended that City Council approve four vehicles for each of the companies, for a total of 8 vehicles. The total number of issued certificates would be 28.

Mayor Zeidler continued the public hearing.

**Ms. Julie Wall, 3108 Nathaniel's Green**, spoke in support of Mr. Juma and Mr. Abuhamad. She has used his taxi service since coming to Williamsburg and finds them to be dependable, polite, kind, intelligent, true gentlemen, and good family men. The previous partnership was not successful for Mr. Juma and Mr. Abuhamad and they want to start a new cab company. She urged Council to grant the four licenses and stated this would be a win-win situation for everyone. They are good ambassadors for Williamsburg and tourists will benefit.

**Mr. Frank Callahan** agreed with Ms. Wall and spoke highly of Mr. Yuma.

**Mr. Hamad Juma, 5405 Skalak Drive**, appreciated the kind words about him. He was looking forward to working in the city and asked that Council grant approval of the certificate. He originally asked for approval of six vehicles because of the number of vehicles it takes to many hotel rooms, timeshares, and residents in the city.

**Joseph Taylor, Ironbound Road, a Busch Gardens Summer Employee**, said he has used Mr. Abuhamad's services many times and said that he is a very nice man. He supported Mr. Yuma's application.

**Ira Rice, also a Busch Gardens Summer Employee**, said that Mr. Yuma provides a very reliable service and is very accommodating during all hours of the day and night. Mr. Yuma has been wonderful to him and to the families that visit. He supported this application.

No one else wished to speak. The public hearing was closed.

*Mr. Freiling Moved That City Council Accept the Recommendation of the City Manager to Grant the Application of C.T.V. Express Shuttle, LLC for A Certificate of Public Convenience and Necessity for a Total of Four Vehicles, and to Grant the Application of Hamed K. Juma for A Certificate of Public Convenience and Necessity for a Total of Four Vehicles. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

Mr. Phillips noted that the name "Colonial Cabs of Williamsburg" is a property of the defunct partnership that must be dealt with by the Court.

Mr. Tuttle explained the process for renewal or request of additional vehicles. Council members concurred that Mr. Tuttle will prepare an ordinance to streamline and amend the City Code section regarding Certificates of Public Convenience for Council action at the June meeting.

### **Unfinished Business**

#### **Policy Governing Establishment of Special Assessment Districts, *Resolution #05-10***

Council members received a copy of the proposed resolution. Mr. Tuttle said that this resolution would establish a policy for establishing a Special Assessment Districts and the Community Development Authorities in the city. The policy will ensure that these actions shall not have a negative impact upon the City's debt capacity or credit worthiness. Before a District or Authority is created, and before any debt can be issued by the District or Authority, they would need to execute a Memorandum of Understanding with the city.

*Mr. Scruggs Moved That City Council Adopt Proposed Resolution #05-10, City of Williamsburg Policy for Establishment of Special Assessment Districts. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

(SEE ATTACHED ADOPTED RESOLUTION #05-10)

#### **Request of Riverside Healthcare Association to create the "Quarterpath Community Development Authority," *Proposed Ordinance #05-13***

Reference for this item was the Proposed Ordinance and the amended and restated petition. Mr. Tuttle explained that the Community Development Authority (CDA) provides a mechanism for funding the public improvements in the Quarterpath Development. The cost of improvements will be paid for by land owners in the development which are paid on an assessment basis until construction starts and a building permit issued. Before any bonds are issued by the Authority, a Memorandum of Understanding would be executed regarding the finances. Mr. Phillips and the Riverside representatives are here to answer any questions.

Mr. Phillips explained the process of allocating how much of the bonded indebtedness is applied to an assessment to each parcel as the development progresses. Each year an assessment will be imposed by City Council and each year the assessment will appear as an additional item on the real estate tax bill for the parcel. This will then be paid to the CDA for their bonded indebtedness. When a building permit is issued for a parcel, the assessment for the parcel must be paid in full, especially for residential properties so that homeowners will not be paying long term assessments. Virginia Code requires that the petition has to include the Proposed Articles of Incorporation that are to be filed. He noted that parcels can be removed from the CDA before the bond issue is approved. A residential property owner of an unimproved lot can choose to prepay the assessment.

*Mr. Haulman Moved That City Council Adopt Proposed Ordinance #05-13, An Ordinance Creating the Quarterpath Community Development Authority, A Public Body Politic and Corporate and Political Subdivision of the Commonwealth and the Quarterpath Community Development Authority District in Accordance with the Virginia Water and waste Authorities Act, Chapter 51, Title 15.2 of the Code of Virginia of 1950, As Amended. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED ORDINANCE #05-13)

Council members concurred that they would reorder the agenda to hear comments regarding the proposed EMS recovery fees only. Council previously held the public hearing on the budget.

**BUDGET ADOPTION**

**EMS Revenue Recovery, *Proposed Ordinance #05-11***

Mayor Zeidler noted that a public hearing was previously held on this issue. Council will receive citizen comment today.

**Mr. Thomas Mainor, 506 Newport Avenue**, read his prepared statement to the City Council and urged members to vote “no” on the EMS fees (see attached).

**John Hanrahan, 434 Alderwood Drive**, was not in favor of the EMS fees and asked Council to consider the total budget effect. He said that if the fees are billed, it will take more time for personnel to maintain the same level of services. The number of units and staff would have to be increased to handle responses. He asked Council to reject the proposal.

**Col. Tex Turner, USA Retired, 213 Indian Springs Road**, spoke in support of charging for EMS services. Our EMS is the best in Virginia, if not the nation. He was impressed with the staff and the services they provide. He was concerned about the city not having the EMS services needed for real emergency situations with mass casualties. We can improve services--either paid from taxes or “pay as you go.” Most people will use EMS services only once or twice in their lifetime. If a person does not have insurance to cover the EMS charges, people will not have to pay. He urged Council to seriously consider approval of this proposal for “pay as you go” EMS service.

**Robert Braxton, 128 Braxton Court**, supported the EMS fee charges. This is a step in the right direction and will keep EMS services top notch. Fees will be waived under certain circumstances. This will insure that our high standards of EMS services will be maintained.

No one else wished to speak.

Mr. Tuttle reviewed the highlights of the EMS program. The city would employ a third party (at an incremental cost) to bill insurance providers for services; staff would not directly bill. He explained the Federal government rules regarding balance billing of co-pays and deductibles and the protocol for the uninsured.

Mr. Haulman commented said that the city is trying to ensure the best emergency services to the residents of Williamsburg. He pointed out that citizens pay taxes and insurance premiums. Billing the insurance company will pay back the citizens for the taxes they pay. The benefits of this program outweigh the costs, and this is the way to go.

Mr. Chohany felt that the time he has spent becoming educated on the fees has dispelled his concerns and he understands the objectives. Mr. Chohany learned that Anthem



insurance company welcomed the EMS fee billings because the money goes back to the locality to enhance EMS service and emergency medical services and results in less required hospital services. In localities with an EMS fee recovery program, 911 calls have increased, dispelling the notion that people won't call. Recent studies have indicated that local firefighter/EMS fundraising has not been affected by charging for EMS. He was comfortable that the city was making the right decision.

Mr. Tuttle responded to Mr. Scruggs that he did not have information about the number of uninsured people in the city, but knows the number that are treated at the Olde Towne Medical Center and have Medicaid. The definitions for "indigent" and "financial hardship" would be the standards used around the country. Mr. Tuttle explained the procedures for recovery billing and what happens if a recipient of services is uninsured.

Mr. Scruggs felt that he was still not comfortable with the EMS billing. He was concerned that people still do not understand the billing and that they may hesitate to call for EMS.

Mr. Freiling agreed with the comments of Mr. Chohany and Mr. Haulman. He has spoken with many people about this issue and one thing that was made clear was that there is not a clear understanding of how the program works. He asked that the City Manager and staff put together a communication plan to disseminate information to the public. EMS billing will never fully fund the cost of EMS in this community, and will help to cover the rising costs of EMS and the supplemental costs generated of the hospital moving to Lightfoot. EMS is medical intervention delivered to our door in times of urgent need. It is the responsibility of the community to provide the best quality EMS possible and this program will allow us to do just that. If the ordinance passes, it will place the responsibility on the City Manager and future Councils to consider the revenue contribution of this program when determining the budgetary allocation to EMS in later fiscal years.

Mayor Zeidler supports this program and has worked through her concerns. She saw this program as a change in the kind of service we are providing to our citizens and bringing the "hospital to the door." She noted that on the recent monthly Fire reports, there were twice as many EMS calls than fire calls. Many people pay for this service through their insurance coverage and there are structures in place to prevent a negative effect to individuals in the city who require EMS services.

*Mr. Chohany Moved That City Council Adopt Proposed Ordinance #05-11, An Ordinance to Collect fees for Emergency Medical Transportation and Treatment Provided to Persons by the City of Williamsburg Emergency Medical Services. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Zeidler, Haulman, Chohany*

*No: Scruggs* (SEE ATTACHED ADOPTED ORDINANCE #05-11)

**Budget for the Fiscal Year Commencing July 1, 2006, Resolution #05-06  
Schedule A--Proposed Budget; Schedule B--Local Tax Levy; Schedule C--Capital Improvements**

The Mayor noted that the budget has been reviewed and a public hearing was held. Mr. Tuttle noted that the proposed resolution includes the three schedules needed to adopt the

budget.

Mr. Phillips clarified that Mr. Scruggs has already noted for the record his opposition to the EMS fee recovery program.

Mr. Freiling thanked city staff and the City Manager for going through the budget process and the quality effort that goes into the budget.

*Mr. Haulman Moved That City Council Adopt Proposed Resolution #05-06, Budget Adoption Fiscal Year 2005-2006 (Schedules A,B,C). The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED RESOLUTION #05-06)

### **Water Rates, Proposed Ordinance#05-08**

Mr. Tuttle reported that the water rate would increase 3.8% from \$2.60 to \$2.70 per 1,000 gallons. Council held a public hearing on this matter in April.

*Mr. Freiling Moved That City Council Adopt Proposed Ordinance #05-08, An Ordinance to Amend Section 19-76(a) of the Code of the City of Williamsburg Governing Water Charges. The Motion Was Seconded by Mr. Scruggs.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

## **Reports**

### **Monthly Financial Statement**

The Monthly Finance Statement was received and ordered to be filed.

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered to be filed.*

## **City Manager Reports**

### **Historic Triangle Wayfinding System Agreement**

Reference for this item was Mr. Tuttle's report dated May 5, 2005, with background information. Mr. Tuttle showed a rendering of the new proposed wayfinding signs that would be implemented if the three localities agree. This agreement between the three Historic Triangle jurisdictions (Williamsburg, James City County, and York County), addresses implementation and long term maintenance of the wayfinding system. It is expected that both counties will approve this agreement at their May meetings. The Wayfinding Task Group is under the auspices of the Jamestown 2007 Host Committee, chaired by Mayor Zeidler. He recommended execution of the agreement.

Council members concurred in their approval of the wayfinding signage and the agreement. The system will help make our community a more visitor-friendly place. Council

appreciated Mr. Tuttle's leadership on this project.

Mayor Zeidler commented that this is a community partnership. The signage system was developed by a committee of key institutions in our region and will be funded by the three jurisdictions. This is an example of the positive benefits of working together.

*Mr. Chohany Moved That City Council Authorize the City Manager to Execute the Historic Triangle Wayfinding System Agreement Between Williamsburg, James City County, and York County. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

### **Williamsburg/James City County Schools Multipurpose Building—Property Donation**

Reference for this item was Mr. Tuttle's report dated May 4, 2005. Mr. Tuttle explained that the Schools are requesting that 2.89 acres of city property located next to Berkeley Middle School be donated to the schools for development of a building to house Student Services, Alternative Education, and Warehousing. Mr. Tuttle recommended that City Council approve the donation of not more than 2.89 acres.

*Mr. Haulman Moved That City Council Approve the Donation of Not More than 2.89 Acres for a Williamsburg/James City County School System Multipurpose Building Adjoining Berkeley Middle School Property, and Direct the City Manager and City Attorney to Complete the Transaction. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

### **Historic Area Street Maintenance Agreement**

Reference for this item was Mr. Tuttle's report dated May 5, 2005, which included a copy of the agreement. Mr. Clayton provided an overview of the maintenance agreement including the responsibilities of the city and Colonial Williamsburg Foundation and reviewed the changes to the existing agreement. (See Attached) The new five-year agreement will expire June 30, 2010 and will cost the city \$200,000. It has been reviewed by the City Attorney and is recommended for approval.

A brief discussion followed regarding the provisions of the agreement. Mr. Clayton said that a good relationship exists between the city and Colonial Williamsburg to resolve any issues that might arise.

*Mr. Chohany Moved That City Council Authorize Execution of the Historic Area Public Street Right of Way Maintenance Agreement Covering the Period July 1, 2005 Through June 30, 2010. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Scruggs, Zeidler, Haulman, Chohany*

*No: None*

*Abstain: Mr. Freiling*

### **800 MHz Radio System Agreement**

Reference for this item was Mr. Tuttle's report dated May 5, 2005, which included a copy of the agreement.

Chief Yost said at the April work session, Council was briefed on the development of an agreement to include the city as a user of the new York/James City County radio system. The city will pay an annual fee of \$75,000, to be renegotiated every seven years. It is recommended that Council authorize the City Manager to execute the agreement.

Chief Yost said that the city will monitor the equipment for changes in technology and will plan accordingly, but expects only an outstanding performance from this system.

*Mr. Freiling Moved That City Council Authorize the City Manager to Execute the 800 MHz Regional Radio System Agreement. The Motion Was Seconded by M. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

### **Authorization to Purchase PSAP Equipment**

Reference for this item was Mr. Tuttle's report dated May 5, 2005.

Chief Yost said that it has been budgeted in FY 2006 to replace communication equipment (consoles and computers) in the City's E911 Public Safety Answering Point (PSAP). The Police Department has found that the most cost effective approach is to purchase this equipment under the existing York County purchase contract with Motorola Corporation. Staff is requesting authorization to order the equipment in May of this year because it will take six to eight weeks to receive once ordered.

*Mr. Freiling Moved That City Council Authorize the City Manager to Enter Into a Purchase Agreement for the PSAP Upgrade Project Under the York County Purchase Contract With Motorola in the Amount of \$294,562. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

### **Treyburn Drive-VDOT Revenue Sharing Program, Resolution #05-08**

Reference for this item was Mr. Tuttle's report dated May 5, 2005.

Mr. Tuttle said that as of July 1 the city will be eligible to apply for up to \$1,000,000 from a potential new revenue source to assist with the construction of Treyburn Drive from the Fiscal Year 2006 VDOT Revenue Sharing Program. If received, this additional money will give a "shot in the arm" to the construction of Treyburn Drive. In order to apply for the funds, authorization of the proposed resolution is needed. Mr. Tuttle recommended approval.

Mr. Tuttle said that the Treyburn Drive project does meet the criteria of the program and noted that the city must match the funds. Mr. Tuttle explained the Urban Allocation from

VDOT.

*Mr. Freiling Moved That City Council Adopt Proposed Resolution #05-08, A Resolution of the City Council of the City of Williamsburg, Virginia Supporting A Revenue Sharing Program Application for the Treyburn Drive Project, V000-137-106. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED RESOLUTION #05-08)

### **Support for Continued Federal Amtrak Funding, Resolution #05-09**

Reference for this item was Mr. Tuttle's report dated May 5, 2005. Mr. Tuttle said a resolution has been prepared supporting the continued funding of federal passenger rail infrastructure as requested by the Virginia High Speed Rail (VHSR). The resolution will be presented to Virginia's Congressional delegation in support of Amtrak funding at the annual meeting of VHSR, to be held May 17 in Washington D.C.

Mayor Zeidler noted that this is an important statement for the city to make. We have invested in the Transportation Center, encouraged rail travel, and supported public transportation.

*Mr. Freiling Moved That City Council Adopt Proposed Resolution #05-09, as requested by the Virginians for High Speed Rail. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED RESOLUTION #05-09)

### **City Attorney Report**

#### **Adoption of City Code Supplement #17, Proposed Ordinance #05-12**

Reference for this item was Ms. Crist's report dated May 5, 2005. Mr. Phillips reported that this was a housekeeping matter to formally adopt the supplement of the ordinances already electronically included in the City Code.

*Mr. Scruggs Moved That City Council Adopt Proposed Ordinance #05-12, An Ordinance to Adopt Supplement #17, March 2005, of the Code of the City of Williamsburg. The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None* (SEE ATTACHED ADOPTED ORDINANCE #05-12)

### **Unfinished Business**

#### **Appointments to Boards and Commissions**

*Mr. Haulman Moved That City Council Recommend to the Circuit Court Judge the Reappointment of Mr. Mike Polizzi, Mr. Julius (Bill) Dell, Mr. Jay Colley, Mr. Dennis Cogle, and Mr. Alan Turnbull to the Board of Equalization for a one-year term to expires June 30, 2006; and*

*Reappoint Ms. Jodi Mincemoyer to the Colonial Service Board for a Three-Year Term to Expire June 30, 2008; and*

*Reappoint Mr. Mario Kokolis to the Economic Development Authority for a Four-Year Term to Expire June 8, 2009; and*

*Appoint Ms. Linda Clarke to the Colonial Group Home Commission to Fill the Unexpired Term of Mr. Stuart Smith Effective July 1, 2005, to Expire February 28, 2006; and*

*Appoint Mr. Phil Serra, Director of Finance, to Fill the Unexpired Term of Mr. Stuart Smith, on the Middle Peninsula Juvenile Detention Commission Effective July 1, 2005, to Expire June 30, 2006; and*

*Appoint Mr. Stephen Harris to the Investment Committee, Effective July 1, 2005, for a Four-Year Term to Expire June 30, 2009. The Motion Was Seconded by Mr. Chohany.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

*Mr. Freiling Moved That City Council Reappointment Ms. Sharon Kiefer to the Social Services Advisory Board for a four-year term to expire on June 30, 2009. The Motion Was Seconded by Mr. Scruggs.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany*

*No: None*

## **OPEN FORUM**

**Mr. Ryan Scofield, Monroe Hall, College of William and Mary**, thanked the Mayor for the city's support of the students that were victimized by the dorm fire at Preston Hall and Giles Hall. The students lost so much and were touched by the outpouring of concern from the community. People contributed food, clothing, and personal items for the students. He was reminded that a sense of community was one of the three reasons he wanted to come to Williamsburg.

The Mayor said that this was a tragic fire and the community response was a great indicator that people care about the college and the students. She hoped that we could build on that.

No one else wished to speak. The session was closed.

## **CLOSED SESSION**

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph one, concerning appointments to board and commissions. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 4:30 p.m. The Mayor called a five-minute recess.

At 5:00 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

### **CERTIFICATION OF CLOSED MEETING**

Date: May 12, 2005

Motion: Mr. Haulman; Second: Mr. Chohany

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 5:01 p.m.

Approved: June 9, 2005

Jeanne Zeidler, Mayor

Shelia Y. Crist  
Clerk of Council